

App. No. 09/965767  
Office Action Dated March 16, 2004  
Amd. Dated August 16, 2004

### REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 2, 4, 6, 8, 9, 11, 12 and 14 are hereby amended. Claims 1, 3, 7, 10 and 13 have been canceled without prejudice or disclaimer. Claims 15-23 are new. New claim 15 is canceled claim 1 rewritten also reciting a plug comprising a body part and a clamping member, support for the additional limitations to claim 15 and new claim 16-23 is at page 6 line 26 to page 7, line 6 and in Figs. 6a and 6b. No new matter has been added. Claims 2, 4, 6, 8, 9, 11, 12 and 14-23 are pending.

The specification has been amended editorially. No new matter has been added.

### Claim rejections - 35 U.S.C. § 102

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner (US 2,920,874). This rejection is rendered moot, as claims 1 and 3 have been canceled and in view of the following. Withdrawal of the rejection is respectfully requested.

Claim 15 recites a tube plate in a heat exchanger having tube bores sealed with plugs. The plugs comprise a body part and a clamping member. Gardner fails to teach or disclose plugs. Therefore Gardner does not anticipate claim 15.

Claim 2 depends from claim 15. For the reasons discussed above for claim 15, withdrawal of the rejection is respectfully request. Applicant does not concede correctness of the rejection.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Vollhardt (US 3,229,762). This rejection is rendered moot, as claim 1 has been canceled and in view of the following. Withdrawal of the rejection is respectfully requested.

App. No. 09/965767  
Office Action Dated March 16, 2004  
Amd. Dated August 16, 2004

Claim 15 recites a tube plate in a heat exchanger having tube bores sealed with plugs. The plugs comprise a body part and a clamping member. Vollhardt fails to teach or disclose plugs. Therefore Vollhardt does not anticipate claim 15.

Claim 2 depends from claim 15. For the reasons discussed above for claim 15, withdrawal of the rejection is respectfully request. Applicant does not concede correctness of the rejection.

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US 2,110,024). This rejection is rendered moot as claims 1, 3, 7, 10 and 13 have been canceled an in view of the following. Withdrawal of the rejection is respectfully requested.

Claims 6, 9, 12 and 15 recite a tube plate in a heat exchanger having tube bores sealed with plugs. The plugs comprise a body part and a clamping member. Miller fails to teach or disclose plugs having a body part and a clamping member. Therefore Miller does not anticipate claims 6, 9, 12 and 15.

Claims 2 and 4 depend from claim 15 and claims 8, 11 and 14 depend from claims 6, 9 and 12 respectively. For the reasons discussed above for claims 6, 9, 12 and 15, withdrawal of this rejection is respectfully requested. Applicant does not concede correctness of the rejection.

Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US 2,608,388). This rejection is rendered moot as claim 10 has been canceled and in view of the following. Withdrawal of the rejection is respectfully requested.

Claim 9 recites a tube plate in a heat exchanger having tube bores sealed with plugs. The plugs comprise a body part and a clamping member. Miller fails to teach or

App. No. 09/965767  
Office Action Dated March 16, 2004  
Amd. Dated August 16, 2004

disclose plugs having a body part and a clamping member. Therefore Miller does not anticipate claim 9.

Claim 11 depends from claim 9. For the reasons discussed above for claim 9, withdrawal of the rejection is respectfully requested. Applicant does not concede correctness of the rejection.

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Dawson (US 3,260,307). This rejection is rendered moot as claims 1, 3, 7, 10 and 13 have been canceled and in view of the following. Withdrawal of the rejection is respectfully requested.

Claims 6, 9, 12 and 15 recite a tube plate in a heat exchanger having tube bores sealed with plugs. The plugs comprise a body part and a clamping member. Dawson fails to teach or disclose plugs having a body part and a clamping member. Therefore Dawson does not anticipate claims 6, 9, 12 and 15.

Claims 2 and 4 depend from claim 15 and claims 8, 11 and 14 depend from claims 6, 9 and 12 respectively. For the reasons discussed above for claims 6, 9, 12 and 15, withdrawal of the rejection is respectfully requested. Applicant does not concede correctness of the rejection.

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Nickerson et al (US 4,117,885). This rejection is rendered moot as claims 1, 3, 7, 10 and 13 have been canceled and in view of the following. Withdrawal of the rejection is respectfully requested.

Claims 6, 9, 12 and 15 recite a tube plate in a heat exchanger having tube bores sealed with plugs. The plugs comprise a body part and a clamping member. Nickerson

App. No. 09/965767  
Office Action Dated March 16, 2004  
Amd. Dated August 16, 2004

fails to teach or disclose plugs having a body part and a clamping member. Therefore Nickerson does not anticipate claims 6, 9, 12 and 15.

Claims 2 and 4 depend from claim 15 and claims 8, 11 and 14 depend from claims 6, 9 and 12 respectively. For the reasons discussed above for claims 6, 9, 12 and 15, withdrawal of the rejection is respectfully requested. Applicant does not concede correctness of the rejection.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612)371.5265.

Respectfully submitted,

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Dated: August 16, 2004

JJG:mmm

By

  
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